

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK AND DEBORAH MCDOWELL,

No. C 11-02569 CRB

Plaintiff,

**ORDER DENYING OPPOSITION TO  
NOTICE OF CHANGE OF COUNSEL**

v.

THE STATE OF CALIFORNIA, ET AL.,

Defendants.

Plaintiffs have filed an Opposition to Notice of Change In Counsel, arguing that Defendant NDEX WEST, LLC should not be permitted to have different counsel within the same firm represent it. See generally dkt. 77. Defendant NDEX WEST, LLC's Notice of Change in Counsel, dkt. 76, is not a motion to which Plaintiffs may object, and so the Opposition is DENIED. The Court further notes that Plaintiffs argue in their Opposition, "WE SHOULD WIN THIS CASE AGAINST NDEX WEST ON DEFAULT." See dkt. 77 at 2. Federal Rule of Civil Procedure 55 sets out the procedure for pursuing default and default judgment; Plaintiffs have not followed that procedure.

**IT IS SO ORDERED.**

Dated: March 19, 2012



CHARLES R. BREYER

UNITED STATES DISTRICT JUDGE